

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00308-FDW**

KIRBY WILLIAMS,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF NORTH CAROLINA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court upon its own motion.

On July 15, 2015, Kirby Williams filed a civil Complaint pursuant to 42 U.S.C. § 1983, asking the Court to order the prison where he was incarcerated to provide him a low-cholesterol meal plan. (Doc. No. 1.) Because Williams did not pay the required filing fee or file an application to proceed without prepayment of fees or costs, the Clerk of Court mailed him a deficiency notice and a blank in forma pauperis application on July 16, 2015. For reasons that are unclear, the instant civil action was terminated on July 24, 2015. For his part, Williams never filed the required fee or an in forma pauperis application.

The Court reopened this case on November 8, 2017. On November 13, 2017, the Court entered an Order providing Williams fourteen (14) days to notify the Court, in writing, whether he wishes to pursue this action or abandon it. (Doc. No. 3.) The Court further notified Williams that if he wishes to pursue the action, he must pay the \$400.00 filing fee or file an application to proceed without prepayment of fees and costs. The Court also gave Williams the option of filing a written notice of voluntary dismissal. The Court warned Williams that he if failed to act upon the Court's Order, the Complaint would be dismissed. The Clerk of Court mailed Williams a

blank application to proceed without prepayment of fees and costs, along with a copy of the Court's Order, on November 13, 2017.

As of the filing of this Order, Williams has not responded to the Court's November 13, 2017 Order. The Court finds that Williams has had more than enough time to respond, and according to the terms of the Court's previous Order, the instant Complaint shall be dismissed.

IT IS THEREFORE ORDERED that the 42 U.S.C. § 1983 Complaint (Doc. No. 1) is **DISMISSED** for failure to prosecute.

Signed: January 2, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

